

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

**JOHN DOE SUBSCRIBER ASSIGNED
IP ADDRESS 173.70.197.251,**

Defendant.

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Civil Action No. 16-1234 (KM)

ORDER

This matter having come before the Court by way of Plaintiff's motion for additional time to serve John Doe Defendant with the Summons and the Complaint [D.E. 6];

and the Court having considered Plaintiff's submission, and the applicable law;

and Federal Rule of Civil Procedure 4(m) providing, in relevant part that if a party does not serve the defendant within 120 days after the complaint is filed "the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period;"

and the United States Court of Appeals for the Third Circuit clarifying that when considering applications for an extension, courts must first determine "whether good cause exists for a plaintiff's failure to effect timely service. If good cause exists, the extension must be granted." *Boley v. Kaymark*, 123 F.3d. 756, 758 (3d Cir. 1997) (citations omitted);

and the good cause prong requiring that “a plaintiff demonstrate good faith and some reasonable basis for noncompliance with the time specified in the rules,” *MCI Telecom. Corp. v. Teleconcepts, Inc.*, 71 F.3d 1086, 1097 (3d Cir. 1995) (citations omitted);

and on March 28, 2017, the Court having granted Plaintiff’s motion for leave to serve a third-party subpoena on Defendant’s Internet Service Provider (“ISP”) to obtain Defendant’s name and address, [D.E. 5];

and Plaintiff seeking an extension because the deadline to serve Defendant expired on May 23, 2017 and Plaintiff has not yet received a response to its subpoena from the ISP;

and for good cause shown;

IT IS on this 23rd day of May, 2017,

ORDERED that Plaintiff’s request for an extension of time to serve process [D.E. 6] is **GRANTED**; and it is further

ORDERED that Plaintiff shall serve Defendant with the Summons and Complaint by **July 31, 2017.**

/s/ Michael A. Hammer
United States Magistrate Judge